IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of	:	
Michael Popovsky et al.	:	Group Art Unit 3723
Serial No. 10/696,069	:	Examiner Chin
Filed: October 28, 2003	:	
For: Cleansing Pad	:	

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration of Eric Jungermann Pursuant to 37 C.F.R. § 1.132

I, Eric Jungermann, hereby declare that:

1. This declaration is submitted pursuant to 37 C.F.R. § 1.132 for consideration by the U.S. Patent and Trademark Office in connection with the above application.

2. In a career of over fifty years in the personal care industry, I performed and directed research and development of cleansing products at companies including Armour Dial, Helene Curtis and Neutrogena.

3. In preparing this Declaration, I have reviewed the Non-Final Office Action mailed on December 17, 2009, U.S. Patent No. 6,187,728 ("McMannus"), and the currently-amended claims.

4. A person having ordinary skill in the art of developing personal care products would not read McMannus as teaching an impregnated (*e.g.*, infused) cleansing pad of the type claimed in U.S. Patent Application Serial No. 10/696,069. Instead, a person having ordinary skill in the art would read and understand McMannus as teaching a solid soap in the shape of a fruit or vegetable. The solid soap "core" forms the "meat" of a fruit or vegetable and is covered with a separate "skin" appropriate for the particular fruit or vegetable. (For example, an orange would have a skin that mimics an orange peel.)

5. The soap "core" is taught by McMannus to be formulated and created separately from the "skin". This is accomplished in one of two ways. A solid "core" may be formed by pouring a molten soap into a suitable mold, which is then allowed to cool. The resulting "meat" is then dipped and coated with a mixture of a polyurethane pre-polymer and toluene diisocyanate, thereby forming the "skin" of the fruit or vegetable. Alternatively, a separate hollow polymer "skin" shell may be filled with a liquefied soap. After the soap hardens, a solid "core" mimicking the "meat" of a fruit or vegetable is formed.

6. McMannus teaches that prior to use, the "skin" covering the solid core "meat" would typically be peeled off. When the "skin" is removed, the article taught by McMannus is nothing more than a solid soap. Accordingly, there is no skin into which soap could be substantially distributed.

7. Alternatively, McMannus teaches that the solid soap "core" could be sliced or loosely-sliced with the "peel" attached to the "meat". In the last sentence of the first paragraph on page 4 of the Office Action, the following rejection is stated: "[T]he solid cleansing agent pourable soap would *eventually* be "distributed substantially throughout said pad (*i.e.*, after use or some uses and after drying and resolidifying." This conclusion is based on mistaken assumptions.

8. A person having ordinary skill in the art would understand that temperatures above 120°F can scald humans. In order to avoid scalding, the American Burn Association ("ABA") recommends setting home water heater thermostats to deliver water at a temperature no higher than 120°F. *See* ABA Press Release issued on January 26, 2009 (copy attached.)

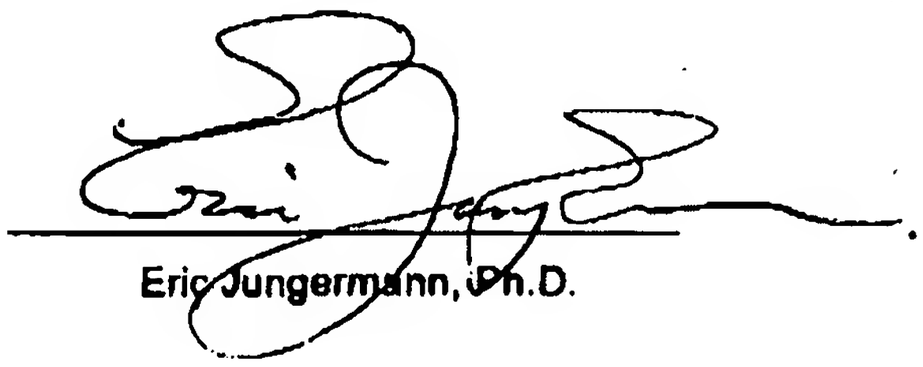
9. At Col. 5, lines 26 – 29, McMannus teaches that glycerin soap melts at 160°F. Therefore, use of the solid fruit- or vegetable-shaped glycerin soap of the type described by McMannus would not melt at temperatures safe for human bathing (about 100°F). Accordingly, since the solid soap slices with a "skin" covering as taught McMannus would not melt, it would not be distributed substantially throughout the "skin".

10. With respect to the individual slices of fruit soap (with the peel attached), there is nothing in McMannus to teach or suggest that these slices would last for one or, at most, a few uses – certainly not twenty uses.

11. I declare that all statements made herein of my knowledge are true and all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above referenced patent application or any patent issuing thereon.

Further Declarant says not.

Dated this 17th day of June 2009



Eric Jungermann, Ph.D.

For Immediate Release

Scalds - Continues to be a Leading Concern in North America

January 26th, 2009

Scald injuries are painful and require prolonged treatment. They may result in lifelong scarring and even death. Prevention of scalds is always preferable to treatment and can be accomplished through simple changes in behavior and the home environment.

In conjunction with ***Burn Awareness Week, February 1st – 7th, 2009*** the American Burn Association is reissuing information relating to scald burns for use in your own communities.

"Although anyone can sustain a scald burn, certain people are more likely to be scalded --- infants, young children, older adults and people with disabilities. These high risk groups are also more likely to require hospitalization, suffer complications and experience a difficult recovery" says Jimmy Parks, Chair of the ABA Burn Prevention Committee.

"Most burn injuries occur in the person's own home and the vast majority of these injuries could have easily been prevented."

Tap water scalds are often more severe than cooking-related scalds. The American Burn Association recommends the following simple safety tips to decrease the risk to yourself and those you love from tap water scalds.

- Set home water heater thermostats to deliver water at a temperature no higher than 120 degrees Fahrenheit / 48 degree Celsius. An easy method to test this is to allow hot water to run for three to five minutes, then test with a candy, meat or water thermometer. Adjust the water heater and wait a day to let the temperature drop. Re-test and re-adjust as necessary.

- Provide constant adult supervision of young children or anyone who may experience difficulty removing themselves from hot water on their own. Gather all necessary supplies before placing a child in the tub, and keep them within easy reach.

- Fill tub to desired level before getting in. Run cold water first, then add hot. Turn off the hot water first. This can prevent scalding in case someone should fall in while the tub is filling. Mix the water thoroughly and check the temperature by moving your elbow, wrist or hand with spread fingers through the water before allowing someone to get in.

- Install grab bars, shower seats or non-slip flooring in tubs or showers if the person is unsteady or weak.

- Avoid flushing toilets, running water or using the dish - or clothes washer while anyone is showering.

- Install anti-scald or tempering devices. These heat sensitive instruments stop or interrupt the flow of water when the temperature reaches a pre-determined level and prevent hot water that is too hot from coming out of the tap.

- Cooking-related scalds are also easy to prevent. Some things you can do to make your home safer from cooking-related burns include:

- Establish a "kid zone" out of the traffic path between the stove and sink where children can safely play and still be supervised. Keep young children in high chairs or play yards, a safe distance from counter- or stovetops, hot liquids, hot surfaces or other cooking hazards.

- Cook on back burners when young children are present. Keep all pot handles turned back, away from the stove edge. All appliance cords should be coiled and away from the counter edge. During mealtime, place hot items in the center of the table, at least 10 inches from the table edge. Use non-slip placemats instead of tablecloths if toddlers are present. Never drink or carry hot liquids while carrying or holding a child. Quick motions may cause spilling of the liquid onto the child.

About the ABA

The American Burn Association and its members dedicate their efforts and resources to promoting and supporting burn-related research, education, care, rehabilitation, and prevention. The ABA has more than 3,500 members in the United States, Canada, Europe, Asia, and Latin America. Members include physicians, nurses, occupational and physical therapists, researchers, social workers, fire fighters, and hospitals with burn centers. Our multidisciplinary membership enhances our ability to work toward common goals with other organizations on educational/prevention programs.

Contact:

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